

# Exhibit A

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MISSOURI PRIMATE FOUNDATION, )  
et al., )  
 )  
Plaintiffs and )  
Counterclaim Defendants,) ) Case No.  
vs. ) 4:16-cv-02163  
 )  
PEOPLE FOR THE ETHICAL TREATMENT )  
OF ANIMALS, INC., et al., )  
 )  
Defendants and )  
Counterclaim Plaintiffs.)  
 )  
----- )

DEPOSITION OF ANDREW SAWYER  
Los Angeles, California  
Friday, July 13, 2018  
VOLUME I

Reported by:  
RENEE D. ZEPEZAUER, RPR, CRR  
CSR No. 6275  
JOB No. 2946092  
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1 this one conversation with Mr. Duckler -- excuse me, you  
2 didn't say one conversation. You've only spoken with  
3 Mr. Duckler?

4 A Yes.

5 Q So you received plaintiffs' notice of intent to  
6 sue letter; correct?

7 MR. DUCKLER: I will object to the question on  
8 the grounds of the deponent's constitutional rights  
9 against self-incrimination.

10 BY MR. GOODMAN:

11 Q Mr. Sawyer, are you going to follow your  
12 attorney's instruction not to answer the question?

13 MR. DUCKLER: I actually -- to correct the  
14 record, I didn't instruct him at all or to not answer.  
15 I think maybe Mr. Sawyer wants to say something after I  
16 said my objection.

17 MR. GOODMAN: Thank you.

18 THE WITNESS: Yes. I refuse to answer the  
19 question pursuant to my constitutional right against  
20 self-incrimination.

21 BY MR. GOODMAN:

22 Q Are you apprehending a risk of criminal  
23 prosecution resulting from an answer to my questions?

24 MR. DUCKLER: I'm going to object to the  
25 question on the grounds of the deponent's constitutional

1 rights against self-incrimination.

2 THE WITNESS: I refuse to answer the question  
3 pursuant to my constitutional right against  
4 self-incrimination.

5 BY MR. GOODMAN:

6 Q Do you believe that responding to my question  
7 would provide a link in the chain of evidence needed to  
8 prosecute you for a federal crime?

9 MR. DUCKLER: I will object to the question on  
10 the grounds of the deponent's constitutional rights  
11 against self-incrimination.

12 THE WITNESS: I refuse to answer the question  
13 pursuant to my constitutional right against  
14 self-incrimination.

15 BY MR. GOODMAN:

16 Q Mr. Sawyer, do you believe that responding to  
17 my question would give the Federal Government an  
18 inventory of a source of potentially incriminating  
19 evidence?

20 MR. DUCKLER: I will object to the question on  
21 the grounds of the deponent's constitutional rights  
22 against self-incrimination.

23 THE WITNESS: I refuse to answer the question  
24 pursuant to my constitutional right against  
25 self-incrimination.

1 BY MR. GOODMAN:

2 Q Mr. Sawyer, through your counsel you  
3 represented to the Court that there are instances in  
4 civil matters where the criminal liability of a party  
5 might manifest, and accusations by activist  
6 organizations under the Endangered Species Act 16 USC  
7 Section 1540, et seq. against other private citizens  
8 form a classic example.

9 Please identify all such instances of which you  
10 are aware.

11 MR. DUCKLER: I will object to the question on  
12 the grounds of the deponent's constitutional rights  
13 against self-incrimination.

14 THE WITNESS: I refuse to answer the question  
15 pursuant to my constitutional right against  
16 self-incrimination.

17 BY MR. GOODMAN:

18 Q So you also represented to the Court that  
19 information demanded of defendants in a civil ESA case,  
20 excuse me, Endangered Species Act case, which I may  
21 refer to from time to time as the ESA as a shorthand, is  
22 almost guaranteed to later be used against them in some  
23 fashion in a separate yet related criminal case.

24 Do you have any information to back up that  
25 claim?

1 MR. DUCKLER: I will object to the question on  
2 the grounds of the deponent's constitutional rights  
3 against self-incrimination.

4 THE WITNESS: I refuse to answer the question  
5 pursuant to my constitutional right against  
6 self-incrimination.

7 BY MR. GOODMAN:

8 Q So these alleged fears of prosecution if you  
9 reveal Joey's location, which your lawyer asserted on  
10 your behalf, you're not going to provide any evidence  
11 that this is a real concern that you individually have?

12 MR. DUCKLER: I will object to the question on  
13 the grounds of the deponent's constitutional rights  
14 against self-incrimination.

15 THE WITNESS: I refuse to answer the question  
16 pursuant to my constitutional right against  
17 self-incrimination.

18 BY MR. GOODMAN:

19 Q You certainly didn't have those fears when you  
20 sued PETA and Ms. Scott; correct?

21 MR. DUCKLER: I will object to the question on  
22 the grounds of the deponent's constitutional rights  
23 against self-incrimination.

24 THE WITNESS: I refuse to answer the question  
25 pursuant to my constitutional right against self

1       incrimination.

2       BY MR. GOODMAN:

3           Q       In fact, you requested that the Court determine  
4       that Joey's conditions did not violate the Endangered  
5       Species Act; is that right?

6           MR. DUCKLER: I will object to the question on  
7       the grounds of the deponent's constitutional rights  
8       against self-incrimination.

9           THE WITNESS: I refuse to answer the question  
10      pursuant to my constitutional right against  
11      self-incrimination.

12      BY MR. GOODMAN:

13           Q       All right. Mr. Sawyer, from 2015 at least  
14      through the present you were and are the legal owner of  
15      Joey; is that right?

16           MR. DUCKLER: I will object to the question on  
17      the grounds of the deponent's constitutional rights  
18      against self-incrimination.

19           THE WITNESS: I refuse to answer the question  
20      pursuant to my constitutional right against  
21      self-incrimination.

22      BY MR. GOODMAN:

23           Q       As of November, 2016, Joey was confined at the  
24      facilities of the Missouri Primate Foundation; is that  
25      right?

1 MR. DUCKLER: I will object to the question on  
2 the grounds of the deponent's constitutional rights  
3 against self-incrimination.

4 THE WITNESS: I refuse to answer the question  
5 pursuant to my constitutional right against  
6 self-incrimination.

7 BY MR. GOODMAN:

8 Q While Joey was at the Primate Foundation he was  
9 housed in an enclosure by himself; right?

10 MR. DUCKLER: I will object to the question on  
11 the grounds of the deponent's constitutional rights  
12 against self-incrimination.

13 THE WITNESS: I refuse to answer the question  
14 pursuant to my constitutional right against  
15 self-incrimination.

16 BY MR. GOODMAN:

17 Q Mr. Sawyer, would you agree that during the  
18 time Joey was at the Missouri Primate Foundation the  
19 manner in which he was held there failed to meet his  
20 basic physiological needs?

21 MR. DUCKLER: I will object to the question on  
22 the grounds of the deponent's constitutional rights  
23 against self-incrimination.

24 THE WITNESS: I refuse to answer the question  
25 pursuant to my constitutional right against



1 self-incrimination.

2 BY MR. GOODMAN:

3 Q And the failure to meet Joey's basic  
4 physiological needs caused Joey harassment and harm as  
5 those terms are defined -- used in the Endangered  
6 Species Act and defined by regulation.

7 MR. DUCKLER: I will object to the question on  
8 the grounds of the deponent's constitutional rights  
9 against self-incrimination.

10 THE WITNESS: I refuse to answer the question  
11 pursuant to my constitutional right against  
12 self-incrimination.

13 BY MR. GOODMAN:

14 Q Presently, the manner in which Joey is being  
15 held fails to meet his basic physiological needs;  
16 correct?

17 MR. DUCKLER: I will object to the question on  
18 the grounds of the deponent's constitutional rights  
19 against self-incrimination.

20 THE WITNESS: I refuse to answer the question  
21 pursuant to my constitutional right against  
22 self-incrimination.

23 BY MR. GOODMAN:

24 Q And the present failure to meet Joey's basic  
25 physiological needs causes Joey harassment and harm as

1 those terms are used in the Endangered Species Act and  
2 defined by regulation?

3 MR. DUCKLER: Is that a question? I didn't  
4 understand the question part of it.

5 MR. GOODMAN: Yes. I intended my tone to go up  
6 at the end signifying a question mark. I will ask that  
7 question again.

8 Q And the present failure to meet Joey's basic  
9 physiological needs causes Joey harassment and harm as  
10 those terms are used in the Endangered Species Act and  
11 defined by regulation; is that correct?

12 MR. DUCKLER: I will object to the question on  
13 the grounds of the deponent's constitutional rights  
14 against self-incrimination.

15 THE WITNESS: I refuse to answer the question  
16 pursuant to my constitutional right against  
17 self-incrimination.

18 BY MR. GOODMAN:

19 Q Would you agree that during the time that Joey  
20 was held at Missouri Primate Foundation the manner in  
21 which he was held failed to meet his basic behavioral  
22 needs?

23 MR. DUCKLER: I will object to the question on  
24 the grounds of the deponent's constitutional rights  
25 against self-incrimination.

1 THE WITNESS: I refuse to answer the question  
2 pursuant to my constitutional right against  
3 self-incrimination.

4 BY MR. GOODMAN:

5 Q And the failure to meet Joey's basic behavioral  
6 needs caused Joey harassment and harm as those terms are  
7 used in the Endangered Species Act and defined by  
8 regulation; correct?

9 MR. DUCKLER: I will object to the question on  
10 the grounds of the deponent's constitutional rights  
11 against self-incrimination.

12 THE WITNESS: I refuse to answer the question  
13 pursuant to my constitutional right against  
14 self-incrimination.

15 BY MR. GOODMAN:

16 Q Mr. Sawyer, presently the manner in which Joey  
17 is being held failed to meet his basic behavioral needs;  
18 is that right?

19 MR. DUCKLER: I will object to the question on  
20 the grounds of the deponent's constitutional rights  
21 against self-incrimination.

22 THE WITNESS: I refuse to answer the question  
23 pursuant to my constitutional right against  
24 self-incrimination.

25 //

1 BY MR. GOODMAN:

2 Q And the present failure to meet Joey's basic  
3 behavioral needs causes Joey harassment and harm as  
4 those terms are used in the Endangered Species Act and  
5 defined by regulation; right?

6 MR. DUCKLER: I will object to the question on  
7 the grounds of the deponent's constitutional rights  
8 against self-incrimination.

9 THE WITNESS: I refuse to answer the question  
10 pursuant to my constitutional right against  
11 self-incrimination.

12 BY MR. GOODMAN:

13 Q Would you agree that during the time that Joey  
14 was at the Missouri Primate Foundation the manner in  
15 which he was held failed to meet his basic psychological  
16 needs?

17 MR. DUCKLER: I will object to the question on  
18 the grounds of the deponent's constitutional rights  
19 against self-incrimination.

20 THE WITNESS: I refuse to answer the question  
21 pursuant to my constitutional right against  
22 self-incrimination.

23 BY MR. GOODMAN:

24 Q And the failure to meet Joey's basic  
25 psychological needs caused Joey harassment and harm as

1 those terms are used in the Endangered Species Act and  
2 defined by regulation; correct?

3 MR. DUCKLER: I will object to the question on  
4 the grounds of the deponent's constitutional rights  
5 against self-incrimination.

6 THE WITNESS: I refuse to answer the question  
7 pursuant to my constitutional right against  
8 self-incrimination.

9 BY MR. GOODMAN:

10 Q Mr. Sawyer, presently the manner in which Joey  
11 is held fails to meet his basic psychological needs;  
12 right?

13 MR. DUCKLER: I will object to the question on  
14 the grounds of the deponent's constitutional rights  
15 against self-incrimination.

16 THE WITNESS: I refuse to answer the question  
17 pursuant to my constitutional right against  
18 self-incrimination.

19 BY MR. GOODMAN:

20 Q And the present failure to meet Joey's basic  
21 psychological needs causes Joey harassment and harm as  
22 those terms are used in the Endangered Species Act and  
23 defined by regulation; is that right?

24 MR. DUCKLER: I will object to the question on  
25 the grounds of the deponent's constitutional rights

1 against self-incrimination.

2 THE WITNESS: I refuse to answer the question  
3 pursuant to my constitutional right against  
4 self-incrimination.

5 BY MR. GOODMAN:

6 Q Would you agree that during the time Joey was  
7 at Missouri Primate Foundation the manner in which Joey  
8 was held failed to meet his basic needs for enrichment?

9 MR. DUCKLER: I will object to the question on  
10 the grounds of the deponent's constitutional rights  
11 against self-incrimination.

12 THE WITNESS: I refuse to answer the question  
13 pursuant to my constitutional right against  
14 self-incrimination.

15 BY MR. GOODMAN:

16 Q And the failure to meet Joey's basic need for  
17 enrichment caused Joey harassment and harm as those  
18 terms are used in the Endangered Species Act and defined  
19 by regulation; right?

20 MR. DUCKLER: I will object to the question on  
21 the grounds of the deponent's constitutional rights  
22 against self-incrimination.

23 THE WITNESS: I refuse to answer the question  
24 pursuant to my constitutional right against  
25 self-incrimination.

1 BY MR. GOODMAN:

2 Q Mr. Sawyer, presently the manner in which Joey  
3 is being held fails to meet his basic needs for  
4 enrichment; right?

5 MR. DUCKLER: I will object to the question on  
6 the grounds of the deponent's constitutional rights  
7 against self-incrimination.

8 THE WITNESS: I refuse to answer the question  
9 pursuant to my constitutional right against  
10 self-incrimination.

11 BY MR. GOODMAN:

12 Q And you agree, don't you, that the present  
13 failure to meet Joey's basic needs for enrichment causes  
14 Joey harassment and harm as those terms are used in the  
15 Endangered Species Act and defined by regulation?

16 MR. DUCKLER: I will object to the question on  
17 the grounds of the deponent's constitutional rights  
18 against self-incrimination.

19 THE WITNESS: I refuse to answer the question  
20 pursuant to my constitutional right against  
21 self-incrimination.

22 BY MR. GOODMAN:

23 Q Mr. Sawyer, would you agree that during the  
24 time that Joey was at Missouri Primate Foundation the  
25 manner in which Joey was held failed to meet his minimum

1 needs for space?

2 MR. DUCKLER: I will object to the question on  
3 the grounds of the deponent's constitutional rights  
4 against self-incrimination.

5 THE WITNESS: I refuse to answer the question  
6 pursuant to my constitutional right against  
7 self-incrimination.

8 BY MR. GOODMAN:

9 Q And the failure to meet Joey's minimum needs  
10 for space caused Joey harassment and harm as those terms  
11 are used in the Federal Endangered Species Act and  
12 defined by regulation; correct?

13 MR. DUCKLER: I will object to the question on  
14 the grounds of the deponent's constitutional rights  
15 against self-incrimination.

16 THE WITNESS: I refuse to answer the question  
17 pursuant to my constitutional right against  
18 self-incrimination.

19 BY MR. GOODMAN:

20 Q Presently, the manner in which Joey is being  
21 held fails to meet his minimum needs for space; is that  
22 right?

23 MR. DUCKLER: I will object to the question on  
24 the grounds of the deponent's constitutional rights  
25 against self-incrimination.



1 THE WITNESS: I refuse to answer the question  
2 pursuant to my constitutional right against  
3 self-incrimination.

4 BY MR. GOODMAN:

5 Q And the present failure to meet Joey's minimum  
6 needs for space causes him harassment and harm as those  
7 terms are used in the Endangered Species Act and defined  
8 by regulation; right?

9 MR. DUCKLER: I will object to the question on  
10 the grounds of the deponent's constitutional rights  
11 against self-incrimination.

12 THE WITNESS: I refuse to answer the question  
13 pursuant to my constitutional right against  
14 self-incrimination.

15 BY MR. GOODMAN:

16 Q Would you agree that during the time Joey was  
17 at the Missouri Primate Foundation the conditions in  
18 which he was held were unsanitary?

19 MR. DUCKLER: I will object to the question on  
20 the grounds of the deponent's constitutional rights  
21 against self-incrimination.

22 THE WITNESS: I refuse to answer the question  
23 pursuant to my constitutional right against  
24 self-incrimination.

25 //

1 BY MR. GOODMAN:

2 Q And by keeping Joey in unsanitary conditions it  
3 caused harassment and harm to Joey as those terms are  
4 used in the Endangered Species Act and defined by  
5 regulation; is that right?

6 MR. DUCKLER: I will object to the question on  
7 the grounds of the deponent's constitutional rights  
8 against self-incrimination.

9 THE WITNESS: I refuse to answer the question  
10 pursuant to my constitutional right against  
11 self-incrimination.

12 BY MR. GOODMAN:

13 Q Presently the conditions in which Joey is held  
14 are unsanitary; correct?

15 MR. DUCKLER: I will object to the question on  
16 the grounds of the deponent's constitutional rights  
17 against self-incrimination.

18 THE WITNESS: I refuse to answer the question  
19 pursuant to my constitutional right against  
20 self-incrimination.

21 BY MR. GOODMAN:

22 Q And presently keeping Joey in unsanitary  
23 conditions causes harassment and/or harm to Joey as  
24 those terms are used in the Endangered Species Act and  
25 defined by regulation; correct?

1 MR. DUCKLER: I will object to the question on  
2 the grounds of the deponent's constitutional rights  
3 against self-incrimination.

4 THE WITNESS: I refuse to answer the question  
5 pursuant to my constitutional right against  
6 self-incrimination.

7 BY MR. GOODMAN:

8 Q Mr. Sawyer, would you agree that during the  
9 time that Joey was at the Missouri Primate Foundation he  
10 was not provided with appropriate veterinary care?

11 MR. DUCKLER: I will object to the question on  
12 the grounds of the deponent's constitutional rights  
13 against self-incrimination.

14 THE WITNESS: I refuse to answer the question  
15 pursuant to my constitutional right against  
16 self-incrimination.

17 BY MR. GOODMAN:

18 Q And do you agree, correct, that the failure to  
19 provide Joey with appropriate veterinary care caused him  
20 harassment and harm as those terms are used in the  
21 Endangered Species Act and defined by regulation?

22 MR. DUCKLER: I will object to the question on  
23 the grounds of the deponent's constitutional rights  
24 against self-incrimination.

25 THE WITNESS: I refuse to answer the question

1       pursuant to my constitutional right against  
2       self-incrimination.

3       BY MR. GOODMAN:

4           Q       Presently Joey is not provided with appropriate  
5       veterinary care, is he?

6           MR. DUCKLER: I will object to the question on  
7       the grounds of the deponent's constitutional rights  
8       against self-incrimination.

9           THE WITNESS: I refuse to answer the question  
10      pursuant to my constitutional right against  
11      self-incrimination.

12      BY MR. GOODMAN:

13           Q       And the present failure to provide Joey with  
14      appropriate veterinary care causes Joey harm and/or  
15      harassment as those terms are used in the Endangered  
16      Species Act and defined by regulation; correct?

17           MR. DUCKLER: I will object to the question on  
18      the grounds of the deponent's constitutional rights  
19      against self-incrimination.

20           THE WITNESS: I refuse to answer the question  
21      pursuant to my constitutional right against  
22      self-incrimination.

23      BY MR. GOODMAN:

24           Q       Would you agree that during the time that Joey  
25      was at the Missouri Primate Foundation he was not

1 provided with a wholesome and nutritious diet?

2 MR. DUCKLER: I will object to the question on  
3 the grounds of the deponent's constitutional rights  
4 against self-incrimination.

5 THE WITNESS: I refuse to answer the question  
6 pursuant to my constitutional right against  
7 self-incrimination.

8 BY MR. GOODMAN:

9 Q And the failure to provide Joey with a  
10 wholesome and nutritious diet caused him harassment  
11 and/or harm as those terms are used in the Endangered  
12 Species Act and defined by regulation; correct?

13 MR. DUCKLER: I will object to the question on  
14 the grounds of the deponent's constitutional rights  
15 against self-incrimination.

16 THE WITNESS: I refuse to answer the question  
17 pursuant to my constitutional right against  
18 self-incrimination.

19 BY MR. GOODMAN:

20 Q Presently Joey is not provided with a wholesome  
21 and nutritious diet; correct?

22 MR. DUCKLER: I will object to the question on  
23 the grounds of the deponent's constitutional rights  
24 against self-incrimination.

25 THE WITNESS: I refuse to answer the question

1 pursuant to my constitutional right against  
2 self-incrimination.

3 BY MR. GOODMAN:

4 Q And the present failure to provide Joey with a  
5 wholesome and nutritious diet causes Joey harassment  
6 and/or harm and those terms are used in the Endangered  
7 Species Act and defined by regulation; correct?

8 MR. DUCKLER: I will object to the question on  
9 the grounds of the deponent's constitutional rights  
10 against self-incrimination.

11 THE WITNESS: I refuse to answer the question  
12 pursuant to my constitutional right against  
13 self-incrimination.

14 BY MR. GOODMAN:

15 Q Would you agree that during the time that Joey  
16 was at the Missouri Primate Foundation he did not have  
17 an adequate opportunity to engage in social relations  
18 with other members of his species?

19 MR. DUCKLER: I will object to the question on  
20 the grounds of the deponent's constitutional rights  
21 against self-incrimination.

22 THE WITNESS: I refuse to answer the question  
23 pursuant to my constitutional right against  
24 self-incrimination.

25 //

1 BY MR. GOODMAN:

2 Q And the failure to provide Joey with an  
3 adequate opportunity to engage in social relations with  
4 other members of his species caused him harm and/or  
5 harassment as those terms are used in the Endangered  
6 Species Act and defined by regulation; correct?

7 MR. DUCKLER: I will object to the question on  
8 the grounds of the deponent's constitutional rights  
9 against self-incrimination.

10 THE WITNESS: I refuse to answer the question  
11 pursuant to my constitutional right against  
12 self-incrimination.

13 BY MR. GOODMAN:

14 Q Presently Joey does not have an adequate  
15 opportunity to engage in social relations with other  
16 members of his species; correct?

17 MR. DUCKLER: I will object to the question on  
18 the grounds of the deponent's constitutional rights  
19 against self-incrimination.

20 THE WITNESS: I refuse to answer the question  
21 pursuant to my constitutional right against  
22 self-incrimination.

23 BY MR. GOODMAN:

24 Q And the present failure to provide Joey with an  
25 adequate opportunity to engage in social relations with

1 other members of his species causes him harm and/or  
2 harassment as those terms are used in the Endangered  
3 Species Act and defined by regulation; right?

4 MR. DUCKLER: I will object to the question on  
5 the grounds of the deponent's constitutional rights  
6 against self-incrimination.

7 THE WITNESS: I refuse to answer the question  
8 pursuant to my constitutional right against  
9 self-incrimination.

10 BY MR. GOODMAN:

11 Q During the time Joey was confined at the  
12 Missouri Primate Foundation he was confined in a manner  
13 that significantly impaired his normal behavioral  
14 pattern; is that right?

15 MR. DUCKLER: I will object to the question on  
16 the grounds of the deponent's constitutional rights  
17 against self-incrimination.

18 THE WITNESS: I refuse to answer the question  
19 pursuant to my constitutional right against  
20 self-incrimination.

21 BY MR. GOODMAN:

22 Q Presently Joey is confined in a manner that  
23 significantly impairs his normal behavioral patterns; is  
24 that right?

25 MR. DUCKLER: I will object to the question on



1 the grounds of the deponent's constitutional rights  
2 against self-incrimination.

3 THE WITNESS: I refuse to answer the question  
4 pursuant to my constitutional right against  
5 self-incrimination.

6 BY MR. GOODMAN:

7 Q Mr. Sawyer's, if Joey's present conditions  
8 continue unabated, he will likely suffer future physical  
9 and psychological harm; is that right?

10 MR. DUCKLER: I will object to the question on  
11 the grounds of the deponent's constitutional rights  
12 against self-incrimination.

13 THE WITNESS: I refuse to answer the question  
14 pursuant to my constitutional right against  
15 self-incrimination.

16 MS. BERNSTEIN: Can we go off the record a  
17 second?

18 MR. DUCKLER: If you're asking me, that's fine.  
19 It's not my deposition. Sure.

20 MS. BERNSTEIN: Let's go off the record and  
21 take a short break.

22 (Recess.)

23 BY MR. GOODMAN:

24 Q All right. Mr. Sawyer, you received  
25 plaintiff's notice of intent to sue letter; correct?

1 MR. DUCKLER: I will object to the question on  
2 the grounds of the deponent's constitutional rights  
3 against self-incrimination.

4 THE WITNESS: I refuse to answer the question  
5 pursuant to my constitutional right against  
6 self-incrimination.

7 BY MR. GOODMAN:

8 Q And you received this letter which was attached  
9 to your Complaint as Exhibit A in November of 2016;  
10 correct?

11 MR. DUCKLER: I will object to the question on  
12 the grounds of the deponent's constitutional rights  
13 against self-incrimination.

14 THE WITNESS: I refuse to answer the question  
15 pursuant to my constitutional right against  
16 self-incrimination.

17 BY MR. GOODMAN:

18 Q What did you do after you received this notice  
19 letter?

20 MR. DUCKLER: I will object to the question on  
21 the grounds of the deponent's constitutional rights  
22 against self-incrimination.

23 THE WITNESS: I refuse to answer the question  
24 pursuant to my constitutional right against  
25 self-incrimination.

1 BY MR. GOODMAN:

2 Q Did you communicate with Connie Braun?

3 MR. DUCKLER: I will object to the question on  
4 the grounds of the deponent's constitutional rights  
5 against self-incrimination.

6 THE WITNESS: I refuse to answer the question  
7 pursuant to my constitutional right against  
8 self-incrimination.

9 BY MR. GOODMAN:

10 Q Did you retain counsel?

11 MR. DUCKLER: I will object to the question on  
12 the grounds of the deponent's constitutional rights  
13 against self-incrimination.

14 THE WITNESS: I refuse to answer the question  
15 pursuant to my constitutional right against  
16 self-incrimination.

17 BY MR. GOODMAN:

18 Q When you received this notice, you understood  
19 that PETA and Ms. Scott intended to sue you in order to  
20 determine that the conditions in which the chimpanzee  
21 named Joey was held were a violation of the Endangered  
22 Species Act; right?

23 MR. DUCKLER: I will object to the question on  
24 the grounds of the deponent's constitutional rights  
25 against self-incrimination.

1           THE WITNESS: I refuse to answer the question  
2           pursuant to my constitutional right against  
3           self-incrimination.

4           BY MR. GOODMAN:

5           Q       I'm handing you a document titled "Complaint  
6           for Declaratory and Injunctive Relief." Do you  
7           recognize this?

8           MR. DUCKLER: I will object to the question on  
9           the grounds of the deponent's constitutional rights  
10          against self-incrimination.

11          THE WITNESS: I refuse to answer the question  
12          pursuant to my constitutional right against  
13          self-incrimination.

14          BY MR. GOODMAN:

15          Q       And this is the Complaint that you filed  
16          against PETA and has been -- it is docket entry 1 in  
17          this matter; right?

18          MR. DUCKLER: I will object to the question on  
19          the grounds of the deponent's constitutional rights  
20          against self-incrimination.

21          THE WITNESS: I refuse to answer the question  
22          pursuant to my constitutional right against  
23          self-incrimination.

24          BY MR. GOODMAN:

25          Q       Can you identify this document for the record?

1 MR. DUCKLER: Go ahead.

2 THE WITNESS: Can I identify it?

3 BY MR. GOODMAN:

4 Q Please.

5 A Looks like a Complaint.

6 Q All right. Who are the parties listed here?

7 A It says Missouri Primate Foundation, Connie  
8 Brawn Casey, Andrew Sawyer versus People for the Ethical  
9 Treatment of Animals, Angela Scott aka Angela Ignaso.

10 BY MR. GOODMAN:

11 Q And you filed this after receiving the notice  
12 of intent to sue; right?

13 MR. DUCKLER: I will object to the question on  
14 the grounds of the deponent's constitutional rights  
15 against self-incrimination.

16 THE WITNESS: I refuse to answer the question  
17 pursuant to my constitutional right against  
18 self-incrimination.

19 BY MR. GOODMAN:

20 Q And you understood that by filing this  
21 Complaint you were asking the Court to enter a judgment  
22 declaring that the conditions in which Joey was held did  
23 not violate the Endangered Species Act; right?

24 MR. DUCKLER: I will object to the question on  
25 the grounds of the deponent's constitutional rights

1 against self-incrimination.

2 THE WITNESS: I refuse to answer the question  
3 pursuant to my constitutional right against  
4 self-incrimination.

5 BY MR. GOODMAN:

6 Q At the time you filed this lawsuit, what  
7 evidence did you have that Joey's conditions did not  
8 violate the Endangered Species Act?

9 MR. DUCKLER: I will object to the question on  
10 the grounds of the deponent's constitutional rights  
11 against self-incrimination.

12 THE WITNESS: I refuse to answer the question  
13 pursuant to my constitutional right against  
14 self-incrimination.

15 BY MR. GOODMAN:

16 Q At the time you filed this lawsuit, where was  
17 Joey held?

18 MR. DUCKLER: I will object to the question on  
19 the grounds of the deponent's constitutional rights  
20 against self-incrimination.

21 THE WITNESS: I refuse to answer the question  
22 pursuant to my constitutional right against  
23 self-incrimination.

24 BY MR. GOODMAN:

25 Q Mr. Sawyer, when you received the notice of

1 intent to sue, you foresaw that PETA and Ms. Scott would  
2 sue you; right?

3 MR. DUCKLER: I will object to the question on  
4 the grounds of the deponent's constitutional rights  
5 against self-incrimination.

6 THE WITNESS: I refuse to answer the question  
7 pursuant to my constitutional right against  
8 self-incrimination.

9 BY MR. GOODMAN:

10 Q And you also foresaw at the time that federal  
11 prosecutors might institute proceedings in which Joey's  
12 condition and location might be material?

13 MR. DUCKLER: I will object to the question on  
14 the grounds of the deponent's constitutional rights  
15 against self-incrimination.

16 THE WITNESS: I refuse to answer the question  
17 pursuant to my constitutional right against  
18 self-incrimination.

19 BY MR. GOODMAN:

20 Q And to prevent PETA and/or federal prosecutors  
21 from accessing potentially incriminating evidence you  
22 decided to remove Joey; right?

23 MR. DUCKLER: I will object to the question on  
24 the grounds of the deponent's constitutional rights  
25 against self-incrimination.

1           THE WITNESS: I refuse to answer the question  
2           pursuant to my constitutional right against  
3           self-incrimination.

4           BY MR. GOODMAN:

5           Q       When you removed Joey at that time, did you  
6           apprehend a risk of criminal prosecution if the federal  
7           government knew of Joey's location?

8           MR. DUCKLER: I will object to the question on  
9           the grounds of the deponent's constitutional rights  
10          against self-incrimination.

11          THE WITNESS: I refuse to answer the question  
12          pursuant to my constitutional right against  
13          self-incrimination.

14          BY MR. GOODMAN:

15          Q       So when you removed Joey, it was your hope that  
16          plaintiffs, by extension the federal government, would  
17          not be able to locate incriminating evidence in  
18          connection with Joey; correct?

19          MR. DUCKLER: I will object to the question on  
20          the grounds of the deponent's constitutional rights  
21          against self-incrimination.

22          THE WITNESS: I refuse to answer the question  
23          pursuant to my constitutional right against  
24          self-incrimination.

25          //



1 BY MR. GOODMAN:

2 Q When you removed Joey, you intended to impair  
3 Joey's ability -- availability -- excuse me, for use in  
4 this or any other official proceeding, did you not?

5 MR. DUCKLER: I will object to the question on  
6 the grounds of the deponent's constitutional rights  
7 against self-incrimination.

8 THE WITNESS: I refuse to answer the question  
9 pursuant to my constitutional right against  
10 self-incrimination.

11 BY MR. GOODMAN:

12 Q Mr. Sawyer, where is Joey now?

13 MR. DUCKLER: I will object to the question on  
14 the grounds of the deponent's constitutional rights  
15 against self-incrimination.

16 THE WITNESS: I refuse to answer the question  
17 pursuant to my constitutional right against  
18 self-incrimination.

19 BY MR. GOODMAN:

20 Q Mr. Sawyer, do you agree that it was reasonably  
21 foreseeable at the time of PETA and Ms. Scott's notice  
22 that how Joey was kept at the Missouri Primate  
23 Foundation would be material evidence in potential  
24 litigation against you?

25 MR. DUCKLER: I will object to the question on

1 the grounds of the deponent's constitutional rights  
2 against self-incrimination.

3 THE WITNESS: I refuse to answer the question  
4 pursuant to my constitutional right against  
5 self-incrimination.

6 BY MR. GOODMAN:

7 Q Indeed you understood that at the time that  
8 Joey and his conditions at Missouri Primate Foundation  
9 would be used as evidence in upcoming litigation that  
10 PETA and Ms. Scott might bring against you; right?

11 MR. DUCKLER: I will object to the question on  
12 the grounds of the deponent's constitutional rights  
13 against self-incrimination.

14 THE WITNESS: I refuse to answer the question  
15 pursuant to my constitutional right against  
16 self-incrimination.

17 BY MR. GOODMAN:

18 Q And you also understood that in order to decide  
19 PETA's claim in the upcoming litigation it would be  
20 necessary for a judge to evaluate how Joey was kept and  
21 treated?

22 MR. DUCKLER: I will object to the question on  
23 the grounds of the deponent's constitutional rights  
24 against self-incrimination.

25 THE WITNESS: I refuse to answer the question

1       pursuant to my constitutional right against  
2       self-incrimination.

3       BY MR. GOODMAN:

4           Q       Even though you were aware that Joey's  
5       conditions at the Missouri Primate Foundation would be  
6       important events in any upcoming litigation, you  
7       nevertheless decided to remove Joey from there; right?

8           MR. DUCKLER: I will object to the question on  
9       the grounds of the deponent's constitutional rights  
10      against self-incrimination.

11          THE WITNESS: I refuse to answer the question  
12      pursuant to my constitutional right against  
13      self-incrimination.

14      BY MR. GOODMAN:

15          Q       Before you removed Joey from the Missouri  
16      Primate Foundation, you made no effort to preserve  
17      evidence of the conditions in which he was kept; right?

18          MR. DUCKLER: I will object to the question on  
19      the grounds of the deponent's constitutional rights  
20      against self-incrimination.

21          THE WITNESS: I refuse to answer the question  
22      pursuant to my constitutional right against  
23      self-incrimination.

24      BY MR. GOODMAN:

25          Q       You could have preserved evidence by taking

1 photographs or videos of Joey's condition at Missouri  
2 Primate Foundation; right?

3 MR. DUCKLER: I will object to the question on  
4 the grounds of the deponent's constitutional rights  
5 against self-incrimination.

6 THE WITNESS: I refuse to answer the question  
7 pursuant to my constitutional right against  
8 self-incrimination.

9 BY MR. GOODMAN:

10 Q And you did not do that?

11 MR. DUCKLER: I will object to the question on  
12 the grounds of the deponent's constitutional rights  
13 against self-incrimination.

14 THE WITNESS: I refuse to answer the question  
15 pursuant to my constitutional right against  
16 self-incrimination.

17 BY MR. GOODMAN:

18 Q You also did not provide PETA or Ms. Scott with  
19 the ability to take photographs or video of Joey's  
20 conditions at the Missouri Primate Foundation before you  
21 removed him; right?

22 MR. DUCKLER: I will object to the question on  
23 the grounds of the deponent's constitutional rights  
24 against self-incrimination.

25 THE WITNESS: I refuse to answer the question

1       pursuant to my constitutional right against  
2       self-incrimination.

3       BY MR. GOODMAN:

4           Q       Please identify all persons with whom you  
5       communicated about the removal of Joey from the Missouri  
6       Primate Foundation and transferring him to another  
7       location.

8           MR. DUCKLER: I will object to the question on  
9       the grounds of the deponent's constitutional rights  
10      against self-incrimination.

11          THE WITNESS: I refuse to answer the question  
12      pursuant to my constitutional right against  
13      self-incrimination.

14      BY MR. GOODMAN:

15          Q       Please identify all written communications  
16      reflecting Joey's removal and transfer after you  
17      received the notice letter.

18          MR. DUCKLER: I will object to the question on  
19      the grounds of the deponent's constitutional rights  
20      against self-incrimination.

21          THE WITNESS: I refuse to answer the question  
22      pursuant to my constitutional right against  
23      self-incrimination.

24      BY MR. GOODMAN:

25          Q       Mr. Sawyer -- Mr. Sawyer, your purpose in

1 relocating Joey from the Missouri Primate Foundation was  
2 to make sure that there would be no evidence of his  
3 conditions; is that right?

4 MR. DUCKLER: I will object to the question on  
5 the grounds of the deponent's constitutional rights  
6 against self-incrimination.

7 THE WITNESS: I refuse to answer the question  
8 pursuant to my constitutional right against  
9 self-incrimination.

10 BY MR. GOODMAN:

11 Q To prevent Joey's conditions to be examined in  
12 PETA's and Ms. Scott's potential litigation against you?

13 MR. DUCKLER: I will object to the question on  
14 the grounds of the deponent's constitutional rights  
15 against self-incrimination.

16 THE WITNESS: I refuse to answer the question  
17 pursuant to my constitutional right against  
18 self-incrimination.

19 BY MR. GOODMAN:

20 Q You hoped to put Joey and his conditions beyond  
21 the reach of any suit by PETA and Ms. Scott; right?

22 MR. DUCKLER: I will object to the question on  
23 the grounds of the deponent's constitutional rights  
24 against self-incrimination.

25 THE WITNESS: I refuse to answer the question

1       pursuant to my constitutional right against  
2       self-incrimination.

3       BY MR. GOODMAN:

4             Q       Who did you consult with regarding that  
5       decision?

6             MR. DUCKLER: I'll object to that question on  
7       the basis of attorney-client privilege and on the  
8       grounds of the deponent's constitutional rights against  
9       self-incrimination.

10            THE WITNESS: I refuse to answer the question  
11       pursuant to my constitutional right against  
12       self-incrimination.

13       BY MR. GOODMAN:

14            Q       You consulted with your prior counsel Kurtis  
15       Reeg; right?

16            MR. DUCKLER: I'll object to that question on  
17       the basis of attorney-client privilege and on the  
18       grounds of the grounds of the deponent's constitutional  
19       rights against self-incrimination.

20            THE WITNESS: I refuse to answer the question  
21       pursuant to my constitutional right against  
22       self-incrimination.

23       BY MR. GOODMAN:

24            Q       Were there anyone -- who else was involved in  
25       any discussions you might have had with Kurtis Reeg

1 regarding this decision?

2 MR. DUCKLER: I will object to the question on  
3 the grounds of the deponent's constitutional rights  
4 against self-incrimination.

5 THE WITNESS: I refuse to answer the question  
6 pursuant to my constitutional right against  
7 self-incrimination.

8 BY MR. GOODMAN:

9 Q Do you have any communications or e-mails, text  
10 messages, written records regarding those  
11 communications?

12 MR. DUCKLER: I will object to the question on  
13 the grounds of the deponent's constitutional rights  
14 against self-incrimination.

15 THE WITNESS: I refuse to answer the question  
16 pursuant to my constitutional right against  
17 self-incrimination.

18 BY MR. GOODMAN:

19 Q Mr. Sawyer, you represented to the Court that  
20 alternative means certainly exist to obtain information  
21 about Joey's location; right?

22 MR. DUCKLER: I will object to the question on  
23 the grounds of the deponent's constitutional rights  
24 against self-incrimination.

25 THE WITNESS: I refuse to answer the question



1       pursuant to my constitutional right against  
2       self-incrimination.

3               MS. BERNSTEIN: Can I ask for clarification,  
4       Counsel? Are you saying that asking this witness to  
5       confirm that he made certain representations to the  
6       Court in filings in this matter would incriminate him?

7               MR. DUCKLER: Actually, one, you heard my  
8       objection, and you're incorrect that he made  
9       representations to the Court. I think he may be  
10      misunderstanding what was written. He didn't write any  
11      representations to the Court. That was me.

12              But, in any event, you heard my objection. The  
13      objection is going to be the same.

14              MS. BERNSTEIN: Well, I just wanted to clarify  
15      the basis for your objection because it was understood  
16      by us that the representations made in your filing were  
17      on behalf of your client. So to the extent that you're  
18      now saying those were not representations by your client  
19      and he cannot be asked -- let me finish, just to lay the  
20      foundation. And he cannot be asked consistent with his  
21      privilege as to whether he made those representations;  
22      is that your position?

23              MR. DUCKLER: I'm not going to use this  
24      deposition to have a legal argument with you about  
25      positions in the case. So if you want to ask my client

1 a question, then I'll state an objection that's  
2 objectionable. And he'll answer it if it's not.

3 Do you have another question for the deponent?

4 MS. BERNSTEIN: Currently I'm not conducting my  
5 part of the examination. I just wanted to clarify the  
6 basis on which you asserted the privilege.

7 MR. DUCKLER: Okay. We're just going to wait  
8 for another question. I'm not going to have a  
9 discussion about it.

10 BY MR. GOODMAN:

11 Q All right. Mr. Sawyer, I am handing you what  
12 is document entry No. 85 in this case. It is your  
13 Opposition to Counterclaim-Plaintiff's Motion to Compel  
14 Inspection or in the Alternative Entry for Default.  
15 Please read the second -- the final paragraph on that  
16 page.

17 MS. BERNSTEIN: Page 6.

18 MR. GOODMAN: Yes, on page 6.

19 MR. DUCKLER: You want the deponent to read  
20 from the document?

21 BY MR. GOODMAN:

22 Q Please read it to yourself, Mr. Sawyer.

23 MS. BERNSTEIN: Might be helpful to have it out  
24 loud so the record will know what's being read.

25 THE WITNESS: Out loud? To myself?

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1 BY MR. GOODMAN:

2 Q Please read it to yourself.

3 A Okay.

4 Q Thank you. So in this filing you see that you  
5 represented to the Court that alternative means  
6 certainly exist to obtain information about Joey's  
7 location; right?

8 MR. DUCKLER: I will object to the question on  
9 the grounds of the deponent's constitutional rights  
10 against self-incrimination.

11 THE WITNESS: I refuse to answer the question  
12 pursuant to my constitutional right against  
13 self-incrimination.

14 BY MR. GOODMAN:

15 Q I'm sorry to do this, Mr. Sawyer, but I'm going  
16 to have to ask you to read that paragraph into the  
17 record, then.

18 MR. DUCKLER: Go ahead and read it.

19 THE WITNESS: It continues on the second page.  
20 Do you want me to continue it?

21 BY MR. GOODMAN:

22 Q Yes. You can start through the beginning of  
23 that paragraph.

24 A "In such an assessment of competing  
25 interests, courts standardly weigh, No.

1           1, the importance of the information  
2           sought, 2, whether there are alternative  
3           means to obtain the information; and, 3,  
4           whether there are remedies less drastic  
5           than outright dismissal of the action  
6           SERAFINO VERSUS HASBRO, INC. 83 F.3D  
7           515,518-19 (1st cir. 1996).

8           Assuming" -- I don't know -- "arguendo,  
9           that at least Counter-Plaintiff PETA  
10          believes inspection of the site where  
11          the chimp Joey is to be important, then  
12          as to the second factor, nothing in this  
13          case prevents Counter-Plaintiff PETA  
14          from using the same investigatory powers  
15          of subpoena and witness interview that  
16          every civil litigant has available to it  
17          in an active case to discern information  
18          held by others - so alternative means  
19          certainly exist.

20                "It is instructive to be reminded  
21          Counter-Plaintiff PETA is the one that  
22          filed the counterclaim a year ago, back  
23          on June 23, 2017, and not only  
24          presumably had information then already  
25          supporting its suspicions of the chimp

1 Joey's care at the time, assuming that  
2 it had a legitimate good faith  
3 independent factual basis to even assert  
4 the counterclaim as was required of it  
5 to have, but the burden of proof  
6 currently to prove its counterclaims  
7 without demanding that the only proof  
8 come from Counter-Defendant Sawyer  
9 alone."

10 BY MR. GOODMAN:

11 Q Thank you, Mr. Sawyer. So, is it not your  
12 position that alternative means certainly exist to  
13 obtain this information?

14 MR. DUCKLER: I will object to the question on  
15 the grounds of the deponent's constitutional rights  
16 against self-incrimination.

17 THE WITNESS: I refuse to answer the question  
18 pursuant to my constitutional right against  
19 self-incrimination.

20 BY MR. GOODMAN:

21 Q So you're refusing to confirm that what you  
22 just read from your brief is your position?

23 MR. DUCKLER: Is that a question to the  
24 deponent?

25 MR. GOODMAN: Yes.

1 MR. DUCKLER: I will object to the question on  
2 the grounds of the deponent's constitutional rights  
3 against self-incrimination.

4 THE WITNESS: I refuse to answer the question  
5 pursuant to my constitutional right against  
6 self-incrimination.

7 BY MR. GOODMAN:

8 Q Sitting here today, can you identify any  
9 documents of which you are aware that contain  
10 information describing or reflecting Joey's location or  
11 conditions?

12 MR. DUCKLER: I will object to the question on  
13 the grounds of the deponent's constitutional rights  
14 against self-incrimination.

15 THE WITNESS: I refuse to answer the question  
16 pursuant to my constitutional right against  
17 self-incrimination.

18 BY MR. GOODMAN:

19 Q Can you identify any persons who have  
20 information about Joey's whereabouts and present  
21 conditions?

22 MR. DUCKLER: I will object to the question on  
23 the grounds of the deponent's constitutional rights  
24 against self-incrimination.

25 THE WITNESS: I refuse to answer the question

1       pursuant to my constitutional right against  
2       self-incrimination.

3       BY MR. GOODMAN:

4           Q       When you or your attorney represented to the  
5       Court that the plaintiffs have alternative means to  
6       obtain information about Joey's whereabouts and current  
7       conditions, you had no idea whether the plaintiffs knew  
8       of anyone else who could provide Joey's whereabouts;  
9       correct?

10           MR. DUCKLER: I'll object to that question on  
11       the basis of attorney-client privilege and on the  
12       grounds of the deponent's constitutional rights against  
13       self-incrimination.

14           THE WITNESS: I refuse to answer the question  
15       pursuant to my constitutional right against  
16       self-incrimination.

17       BY MR. GOODMAN:

18           Q       And you fully intended not to disclose the  
19       identity of knowledgeable witnesses to the plaintiff;  
20       right?

21           MR. DUCKLER: I will object to the question on  
22       the grounds of the deponent's constitutional rights  
23       against self-incrimination.

24           THE WITNESS: I refuse to answer the question  
25       pursuant to my constitutional right against

1 self-incrimination.

2 BY MR. GOODMAN:

3 Q So when you represented to the Court that  
4 alternative means certainly exist to obtain this  
5 information, you knew full well that plaintiffs had no  
6 such means, didn't you?

7 MR. DUCKLER: I will object to the question on  
8 the grounds of the deponent's constitutional rights  
9 against self-incrimination.

10 THE WITNESS: I refuse to answer the question  
11 pursuant to my constitutional right against  
12 self-incrimination.

13 BY MR. GOODMAN:

14 Q Mr. Sawyer, does document 85 reflect any of  
15 your views and positions?

16 MR. DUCKLER: I will object to the question on  
17 the grounds of the deponent's constitutional rights  
18 against self-incrimination.

19 THE WITNESS: I refuse to answer the question  
20 pursuant to my constitutional right against  
21 self-incrimination.

22 BY MR. GOODMAN:

23 Q Can you identify all persons who have knowledge  
24 of the conditions in which Joey is kept?

25 MR. DUCKLER: I will object to the question on



1 the grounds of the deponent's constitutional rights  
2 against self-incrimination.

3 THE WITNESS: I refuse to answer the question  
4 pursuant to my constitutional right against  
5 self-incrimination.

6 BY MR. GOODMAN:

7 Q Will you please identify all persons who have  
8 knowledge of the location in which Joey is kept?

9 MR. DUCKLER: I will object to the question on  
10 the grounds of the deponent's constitutional rights  
11 against self-incrimination.

12 THE WITNESS: I refuse to answer the question  
13 pursuant to my constitutional right against  
14 self-incrimination.

15 BY MR. GOODMAN:

16 Q Will you identify all persons who presently  
17 care for Joey?

18 MR. DUCKLER: I will object to the question on  
19 the grounds of the deponent's constitutional rights  
20 against self-incrimination.

21 THE WITNESS: I refuse to answer the question  
22 pursuant to my constitutional right against  
23 self-incrimination.

24 BY MR. GOODMAN:

25 Q Can you identify all documents that reflect

1 Joey's location?

2 MR. DUCKLER: I will object to the question on  
3 the grounds of the deponent's constitutional rights  
4 against self-incrimination.

5 THE WITNESS: I refuse to answer the question  
6 pursuant to my constitutional right against  
7 self-incrimination.

8 BY MR. GOODMAN:

9 Q Can you identify all documents that reflect  
10 Joey's care?

11 MR. DUCKLER: I will object to the question on  
12 the grounds of the deponent's constitutional rights  
13 against self-incrimination.

14 THE WITNESS: I refuse to answer the question  
15 pursuant to my constitutional right against  
16 self-incrimination.

17 BY MR. GOODMAN:

18 Q Can you identify all persons with whom you've  
19 had written correspondence regarding this lawsuit or  
20 Joey after you received the notice letter?

21 MR. DUCKLER: I will object to the question on  
22 the basis of attorney-client privilege and on the  
23 deponent's constitutional rights against  
24 self-incrimination.

25 THE WITNESS: I refuse to answer the question

1       pursuant to my constitutional right against  
2       self-incrimination.

3       BY MR. GOODMAN:

4           Q       Did you preserve all such correspondence you've  
5       had?

6           MR. DUCKLER: I will object to the question on  
7       the grounds of the deponent's constitutional rights  
8       against self-incrimination.

9           THE WITNESS: I refuse to answer the question  
10      pursuant to my constitutional right against  
11      self-incrimination.

12      BY MR. GOODMAN:

13           Q       Joey is not currently held in an adequate  
14      social group, is he?

15           MR. DUCKLER: I will object to the question on  
16      the grounds of the deponent's constitutional rights  
17      against self-incrimination.

18           THE WITNESS: I refuse to answer the question  
19      pursuant to my constitutional right against  
20      self-incrimination.

21      BY MR. GOODMAN:

22           Q       Joey is not provided with adequate and  
23      appropriate space; correct?

24           MR. DUCKLER: I will object to the question on  
25      the grounds of the deponent's constitutional rights

1 against self-incrimination.

2 THE WITNESS: I refuse to answer the question  
3 pursuant to my constitutional right against  
4 self-incrimination.

5 BY MR. GOODMAN:

6 Q Joey does not have regular and sufficient  
7 outdoor access, does he?

8 MR. DUCKLER: I will object to the question on  
9 the grounds of the deponent's constitutional rights  
10 against self-incrimination.

11 THE WITNESS: I refuse to answer the question  
12 pursuant to my constitutional right against  
13 self-incrimination.

14 BY MR. GOODMAN:

15 Q Joey is not provided with an adequately  
16 enriched environment, is he?

17 MR. DUCKLER: I will object to the question on  
18 the grounds of the deponent's constitutional rights  
19 against self-incrimination.

20 THE WITNESS: I refuse to answer the question  
21 pursuant to my constitutional right against  
22 self-incrimination.

23 BY MR. GOODMAN:

24 Q Joey does not receive preventive veterinary  
25 care currently; correct?

1 MR. DUCKLER: I will object to the question on  
2 the grounds of the deponent's constitutional rights  
3 against self-incrimination.

4 THE WITNESS: I refuse to answer the question  
5 pursuant to my constitutional right against  
6 self-incrimination.

7 MR. GOODMAN: I'd like to take another  
8 five-minute recess, please.

9 MR. DUCKLER: Sure.

10 MS. BERNSTEIN: We're off the record.

11 (Recess.)

12 MR. GOODMAN: Back on the record.

13 Mr. Sawyer, those are all the questions I have  
14 for you. I'm now going to be turning over to  
15 Ms. Bernstein who, as I explained, is representing  
16 Ms. Scott for the purposes of this deposition.

17 EXAMINATION

18 BY MS. BERNSTEIN:

19 Q Mr. Sawyer, hello.

20 A Hello.

21 Q You are one of the parties in this case; you  
22 understand that?

23 A Yes.

24 Q And, in fact, you are the one who initiated the  
25 proceedings in which you are now testifying; is that

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1 right?

2 MR. DUCKLER: I will object to the question on  
3 the grounds of the deponent's constitutional rights  
4 against self-incrimination.

5 THE WITNESS: I refuse to answer the question  
6 pursuant to my constitutional right against  
7 self-incrimination.

8 BY MS. BERNSTEIN:

9 Q And in this case you've had two different  
10 counsel, Mr. Reeg, and currently Mr. Duckler; is that  
11 right?

12 A Yes.

13 MR. DUCKLER: Go ahead.

14 MS. BERNSTEIN: Did you want to say something,  
15 Counsel?

16 MR. DUCKLER: That's fine. He answered the  
17 question.

18 BY MS. BERNSTEIN:

19 Q Okay. And your lawyers filed various papers  
20 with the Court. You're aware of that; right?

21 A Yes.

22 Q And in those papers and filings your lawyers  
23 made various representations to the Court. You're aware  
24 of that?

25 MR. DUCKLER: I'm going to object to that

1 question based on the attorney-client privilege and the  
2 grounds of the deponent's constitutional rights against  
3 self-incrimination.

4 THE WITNESS: I refuse to answer the question  
5 pursuant to my constitutional right against  
6 self-incrimination.

7 BY MS. BERNSTEIN:

8 Q And these representations in the filings on  
9 your behalf, did those filings and representations  
10 reflect your views and positions?

11 MR. DUCKLER: I will object to the question on  
12 the grounds of the deponent's constitutional rights  
13 against self-incrimination.

14 THE WITNESS: I refuse to answer the question  
15 pursuant to my constitutional right against  
16 self-incrimination.

17 BY MS. BERNSTEIN:

18 Q So because you refuse the question, we have to  
19 guess whether or not the filings made on your behalf  
20 actually reflect your views and positions; is that  
21 right?

22 MR. DUCKLER: I'll object to that question  
23 based on speculation, and on the grounds of the  
24 deponent's constitutional rights against  
25 self-incrimination.

1 THE WITNESS: I refuse to answer the question  
2 pursuant to my constitutional right against  
3 self-incrimination.

4 BY MS. BERNSTEIN:

5 Q So you would have to speculate as to whether or  
6 not what your lawyers filed on your behalf actually  
7 reflected your views and position; is that right?

8 MR. DUCKLER: I will object to the question on  
9 the grounds of the deponent's constitutional rights  
10 against self-incrimination.

11 THE WITNESS: I refuse to answer the question  
12 pursuant to my constitutional right against  
13 self-incrimination.

14 BY MS. BERNSTEIN:

15 Q Sitting here today, do any of the filings in  
16 which your lawyers make representations on your behalf  
17 incorrectly reflect your views?

18 MR. DUCKLER: I'll object to the question on  
19 the grounds of attorney-client privilege and the  
20 deponent's constitutional rights against  
21 self-incrimination.

22 THE WITNESS: I refuse to answer the question  
23 pursuant to my constitutional right against  
24 self-incrimination.

25 //



1 BY MS. BERNSTEIN:

2 Q You're not refusing to answer based on  
3 privilege, attorney-client privilege, you're merely  
4 refusing to answer based on the Fifth Amendment  
5 privilege; is that correct?

6 MR. DUCKLER: I am objecting to the question on  
7 attorney-client privilege and on that objection, if it's  
8 necessary, I'd instruct the deponent not to answer, but  
9 I'm also objecting on the deponent's constitutional  
10 rights against self-incrimination, and I think he has  
11 something to say about that.

12 MS. BERNSTEIN: Right. He did invoke the Fifth  
13 Amendment. I want know if he's also refusing to answer  
14 the question based on attorney-client privilege.

15 MR. DUCKLER: I'm instructing him not to  
16 answer. So he's not refusing. I'm instructing him not  
17 to.

18 BY MS. BERNSTEIN:

19 Q So you're following your attorney's advice not  
20 to answer my previous question based on the Fifth  
21 Amendment as well as the attorney-client privilege; is  
22 that right?

23 MR. DUCKLER: He's not going to answer  
24 questions about whether he's following my advice or not  
25 so you don't need to ask them. Because I'm going to

1 object and instruct him not to answer those on  
2 attorney-client privilege as well, too. He's not  
3 talking about what -- any conversations between us or  
4 any communications between us or any instructions by me  
5 to him. I've instructed him not to answer. He's not  
6 answering. Ask the next question, please.

7 MS. BERNSTEIN: Well, I'm entitled to know  
8 whether he's following your instructions.

9 MR. DUCKLER: He is -- is he answering the  
10 question? No. So he apparently is following the  
11 instructions.

12 MS. BERNSTEIN: Well, he has asserted the Fifth  
13 Amendment privilege. He has not asserted that he is  
14 refusing to answer based on attorney-client privilege.  
15 And I'm clarifying whether he's also refusing to answer  
16 based on attorney-client privilege.

17 MR. DUCKLER: I can't help you with that. I've  
18 instructed him not to answer. Sounds like he's not  
19 answering. So you need to ask another question.

20 BY MS. BERNSTEIN:

21 Q Sir, are you refusing to answer my question  
22 based on the attorney-client privilege?

23 MR. DUCKLER: I'm going to object to that  
24 question based on that attorney-client privilege, and  
25 I'm going to instruct the client, the deponent, not to

1 answer. Next question, please.

2 BY MS. BERNSTEIN:

3 Q Sir, are you following your attorney's  
4 instruction?

5 MR. DUCKLER: Same objection.

6 BY MS. BERNSTEIN:

7 Q Are you following your attorney's instruction,  
8 sir?

9 MR. DUCKLER: Same objection.

10 BY MS. BERNSTEIN:

11 Q You still have to answer my question, sir.

12 THE WITNESS: I refuse to answer the question  
13 pursuant to my constitutional right against  
14 self-incrimination.

15 MR. DUCKLER: Thank you.

16 BY MS. BERNSTEIN:

17 Q You're not asserting the attorney-client  
18 privilege in response to my question; is that right?

19 A Can you repeat the question?

20 Q Yes. Are you refusing to answer based on the  
21 attorney-client privilege, sir?

22 A No.

23 Q When you -- did you -- are you the person who  
24 instructed your lawyers to file the various filings that  
25 were made in your name in this matter?

1 MR. DUCKLER: I'm going to object to that  
2 question on the grounds of attorney-client privilege,  
3 and I'm going to instruct the deponent not to answer  
4 that question. I'm also going to object to that  
5 question on the grounds of the deponent's constitutional  
6 rights against self-incrimination.

7 Andrew, go ahead.

8 THE WITNESS: I refuse to answer the question  
9 pursuant to my constitutional right against  
10 self-incrimination.

11 BY MS. BERNSTEIN:

12 Q But you're not asserting the attorney-client  
13 privilege in this refusal; is that right?

14 MR. DUCKLER: I'm going to object to that  
15 question on the grounds of the attorney-client  
16 privilege. I'm going to instruct the deponent not to  
17 answer that question. I'm also going object to the  
18 question on the grounds of the deponent's constitutional  
19 rights against self-incrimination.

20 Andrew, go ahead.

21 THE WITNESS: I refuse to answer the question  
22 pursuant to my constitutional right against  
23 self-incrimination.

24 BY MS. BERNSTEIN:

25 Q But you're not raising the attorney-client

1 privilege as grounds for failing to answer my question;  
2 is that right?

3 MR. DUCKLER: If this, Martina, is where we  
4 spend the entire afternoon playing this game because  
5 it's going to annoy everybody, nothing is going to  
6 change in terms of the answer. I'm just letting you  
7 know. I can keep instructing him, and he'll keep  
8 following my instructions. I'll keep asserting  
9 objections. He'll keep asserting the same objection.  
10 You can keep asking it. I don't think anything is going  
11 to change, but if that's how you want to spend this day,  
12 go ahead. Ask the next question, please.

13 MS. BERNSTEIN: Well, I do believe we need a  
14 clean record, and I object to your characterizing it as  
15 a game. Because when we go to the judge to -- with a  
16 motion to compel, we have to have a clean record as to  
17 the grounds that were asserted by this witness for  
18 refusing to answer. And to the extent that this witness  
19 is not invoking the attorney-client privilege as grounds  
20 to refuse to answer, the record needs to be clear.

21 MR. DUCKLER: The record is clear exactly what  
22 it is which is what he's saying. He's saying he refuses  
23 to answer pursuant to his constitutional rights against  
24 self-incrimination. That's the answer you're getting.  
25 He's not answering.

1 MS. BERNSTEIN: Okay. To the extent this  
2 witness is not asserting the attorney-client privilege  
3 as grounds for failing to answer, you agree with me it  
4 means that he is not -- that he's solely relying on the  
5 Fifth Amendment but not on the attorney-client privilege  
6 as grounds not to answer the question?

7 MR. DUCKLER: No. I am not agreeing with you  
8 about anything actually. I instructed him not to answer  
9 based on privilege. And I think he's following my  
10 instructions because he's not answering your question.  
11 So ask the next question, please.

12 BY MS. BERNSTEIN:

13 Q Are you invoking the attorney-client privilege,  
14 sir, as grounds for not answering my question?

15 MR. DUCKLER: Go ahead, Andrew.

16 THE WITNESS: What was the question? Sorry.  
17 Can you repeat?

18 BY MS. BERNSTEIN:

19 Q Yes. I don't blame you at all.

20 MR. DUCKLER: Actually, before -- before the  
21 next question, Martina, can we take a break?

22 MS. BERNSTEIN: I don't think with a question  
23 pending it's appropriate to take a break.

24 MR. DUCKLER: There isn't a question pending  
25 actually. It doesn't matter. I want to take a break

1 and talk to my client anyway.

2 Andrew, can you step outside, and I can talk to  
3 you, please.

4 THE WITNESS: Sure.

5 MS. BERNSTEIN: Let the record reflect that the  
6 witness stepped out. We're off the record.

7 (Recess.)

8 MS. BERNSTEIN: Are we back on the record?

9 MR. DUCKLER: I'm back on.

10 BY MS. BERNSTEIN:

11 Q Mr. Sawyer, I just want to remind you that  
12 you're still under oath.

13 A Yes.

14 Q Just to be clear, did you or did you not  
15 authorize your lawyers to file the various filings that  
16 they filed under your name in this case?

17 MR. DUCKLER: So I will object to that question  
18 on the basis of the attorney-client privilege and on the  
19 grounds of the deponent's constitutional rights against  
20 self-incrimination.

21 THE WITNESS: I refuse to answer the question  
22 pursuant to my constitutional right against  
23 self-incrimination.

24 BY MS. BERNSTEIN:

25 Q But you're not also refusing based on

1 attorney-client privilege; is that right?

2 A That is correct.

3 Q If you still have in front of you what has been  
4 filed in this case docket No. 85, it was filed on  
5 June 25th, 2018. If you kindly turn to page 8 of 10.

6 At the top -- you have this in front of you.  
7 At the top of the page this filing states, "For all the  
8 reasons stated Counter-Defendant Sawyer respectfully  
9 submits," et cetera, et cetera. Do you see that?

10 A Yes.

11 Q Is there a different Counter-Defendant Sawyer  
12 than the one that is sitting here today?

13 MR. DUCKLER: I will object to the question on  
14 the grounds of the deponent's constitutional rights  
15 against self-incrimination.

16 THE WITNESS: I refuse to answer the question  
17 pursuant to my constitutional right against  
18 self-incrimination.

19 BY MS. BERNSTEIN:

20 Q You're refusing to tell me whether you are the  
21 Counter-Defendant Sawyer who made the filing document 85  
22 to the Court?

23 MR. DUCKLER: I will object to the question on  
24 the grounds of the deponent's constitutional rights  
25 against self-incrimination.



1 THE WITNESS: I refuse to answer the question  
2 pursuant to my constitutional right against  
3 self-incrimination.

4 BY MS. BERNSTEIN:

5 Q There is a signature block under your counsel's  
6 name. There's a reference here to attorney for  
7 Plaintiff and Counter-Defendant Andrew Sawyer. Do you  
8 see that?

9 A Yes.

10 Q Is it your understanding you are the Plaintiff  
11 and Counter-Defendant, Andrew Sawyer?

12 MR. DUCKLER: I will object to the question on  
13 the grounds of the deponent's constitutional rights  
14 against self-incrimination.

15 THE WITNESS: I refuse to answer the question  
16 pursuant to my constitutional right against  
17 self-incrimination.

18 BY MR. GOODMAN:

19 Q Did you, sir, hire Mr. Duckler to represent you  
20 in this case?

21 MR. DUCKLER: I'll object to that on the basis  
22 of attorney-client privilege and on the grounds of the  
23 deponent's constitutional rights against  
24 self-incrimination.

25 MS. BERNSTEIN: The basis for the

1 attorney-client privilege requires you, sir, to  
2 establish that you have an attorney-client relationship  
3 with this witness. So to the extent that you are saying  
4 this witness will not be allowed to say whether or not  
5 he has you as his attorney in this case, your claim for  
6 attorney-client privilege cannot in any way be  
7 substantiated, wouldn't that be right?

8 MR. DUCKLER: Do you have a suspicion that I'm  
9 not his lawyer right now? Do you think that maybe I'm  
10 not his attorney? Is that a reasonable position to  
11 take, Martina, to think maybe right now as we sit here  
12 maybe I'm not his lawyer?

13 MS. BERNSTEIN: Well, certainly based on the  
14 refusal to answer.

15 Q Sir, can you answer the following question ...

16 MR. DUCKLER: No. That would be a fascinating  
17 position for me to hear you explain to a judge that in  
18 the middle of the deposition of my client you somehow  
19 have a reasonable belief based on something, not  
20 anything I'm aware of, but something, that I'm not his  
21 attorney.

22 So, sure, yeah, I'll tell you on the record I'm  
23 his lawyer. Does that help?

24 BY MS. BERNSTEIN:

25 Q Mr. Sawyer, did you retain Mr. Duckler as your

1 attorney to file this document No. 85 for you on your  
2 behalf?

3 MR. DUCKLER: Go ahead and answer that.

4 THE WITNESS: Yes.

5 BY MS. BERNSTEIN:

6 Q And the statements that Mr. Duckler made on  
7 your behalf, are those reflective of your views and your  
8 positions in this case?

9 MR. DUCKLER: So I'll object to that question  
10 on the grounds of the deponent's constitutional rights  
11 against self-incrimination.

12 THE WITNESS: I refuse to answer the question  
13 pursuant to my constitutional right against  
14 self-incrimination.

15 MS. BERNSTEIN: Thank you, Mr. Sawyer. That's  
16 all I have.

17 MR. GOODMAN: I'll pass the witness.

18 MR. DUCKLER: I have no questions for the  
19 witness.

20 Andrew, you can leave and give me a call as you  
21 head out so we can debrief.

22 MS. BERNSTEIN: We're off the record.

23 (TIME NOTED: 11:16 a.m.)

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25